



9-25-02

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PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

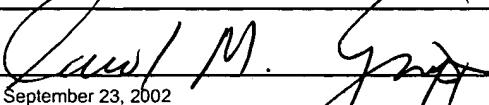
(to be used for all correspondence after initial filing)

		Application Number	09/847,936
		Filing Date	May 3, 2001
		First Named Inventor	H. Kirk HAMMOND
		Group Art Unit	1646
		Examiner Name	To Be Assigned
Total Number Of Pages In This Submission	21 + 9 Exhibit Tabs + 1 disk	Attorney Docket No.	220002057125

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply (Preliminary) - 5 pages + Exhibits A-I	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Change of Correspondence Address	<ul style="list-style-type: none"> <li>• Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequences - 2 pages (Exhibit A)</li> <li>• Paper copy of Sequence Listing - 5 pages (Exhibit B)</li> <li>• Computer readable copy of the Sequence Listing - 1 disk (Exhibit C)</li> <li>• Statement Under 37 C.F.R. § 1.821(f) - 2 pages (Exhibit D)</li> <li>• copy of Postcard dated February 25, 2002 - 1 page (Exhibit E)</li> <li>• Copy of Fee Transmittal, submitted February 25, 2002 - 1 page (Exhibit F)</li> <li>• Pair Printout - 1 page (Exhibit G)</li> <li>• Copy of Filing Receipt, dated June 27, 2002 - 2 pages (Exhibit H)</li> <li>• Deposit Account Printout - 1 page (Exhibit I)</li> <li>• Return receipt postcard</li> </ul>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	
	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

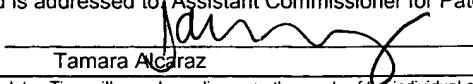
Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018 Carol M. Gruppi, Reg. No. 37,341 for Catherine M. Polzzi, Registration Number 40,130
Signature	
Date	September 23, 2002

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL 569250956 US

Date of Deposit: September 23, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Tamara Alcaraz

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

OIP  
SEP 23 2002PTO/SB/17 (09-00)  
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FEE TRANSMITTAL  
FOR FY 2002  
COPY

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$5408.00)

## Complete If Known

Application Number	09/847,936
Filing Date	May 3, 2001
First Named Inventor	H. Kirk HAMMOND
Examiner Name	To Be Assigned
Group Art Unit	1646

Attorney Docket No. 220002057125

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number  
03-1952Deposit Account Name  
Morrison & Foerster LLP Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

 Check  Credit Card  Money Order  Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	1960.00
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	130.00
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

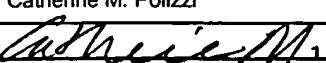
\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$2220.00)

\*\* or number previously paid, if greater; For reissues, see above.

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Catherine M. Polizzi	Registration No. (Attorney/Agent)	40,130	Telephone	(650) 813-5651
Signature				Date	February 25, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

pa-667457



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Page 1 of 2

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/847,936	05/03/2001	1646	13318	220002057125	14	156	3

25226  
MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO, CA 94304-1018

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JUL 08 2002

CONFIRMATION NO. 6165

CORRECTED FILING RECEIPT



\*OC00000008358280\*

RECEIVED

Date Mailed: 06/27/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

### Applicant(s)

H. Kirk Hammond, La Jolla, CA;  
Wolfgang Dillmann, Solana Beach, CA;  
Frank J. Giordano, Madison, CT;

### Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/609,080 06/30/2000  
WHICH IS A CIP OF 09/435,156 11/05/1999 ABN  
WHICH IS A CIP OF 08/722,271 12/29/1997 PAT 6,100,242 \*  
WHICH IS A CIP OF 08/485,472 06/07/1995 PAT 5,792,453  
WHICH IS A CIP OF 08/396,207 02/28/1995 ABN  
THIS APPLICATION 09847936  
IS A CIP OF PCT/US00/30345 11/03/2000  
AND IS A CIP OF PCT/US99/02702 02/09/1999  
WHICH IS A CIP OF 09/021,773 02/11/1998 ABN  
WHICH IS A CIP OF 08/485,472 06/07/1995 5,792,453  
THIS APPLICATION 09/847,936  
IS A CIP OF 09/068,102 04/30/1998  
WHICH IS A CON OF 08/852,779 05/07/1997 \*  
AND IS A CIP OF 09/132,167 08/10/1998 6,174,871

(\*Data provided by applicant is not consistent with PTO records.

### Foreign Applications

If Required, Foreign Filing License Granted 07/25/2001

DOCKETED *(ta)* *LL*

**Projected Publication Date:** To Be Determined - pending completion of Missing Parts

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Techniques and compositions for treating cardiovascular disease by in vivo gene delivery

**Preliminary Class**

514

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



# COPY

ATTORNEY DOCKET: 220002057125

SERIAL NO.: 09/847,936

FILING DATE: May 3, 2001

INVENTOR(S): H. Kirk HAMMOND et al.

TITLE: TECHNIQUES AND COMPOSITIONS FOR TREATING CARDIOVASCULAR DISEASE  
BY *IN VIVO* GENE DELIVERY

Papers enclosed herewith:

1. Transmittal Form - 1 page
2. Fee Transmittal - 1 page + duplicate for fee processing
3. Preliminary Amendment - 4 pages
4. Extension of Time - 1 page
5. Copy of Notice to File Missing Parts of NonProvisional Application - 2 pages
6. Petition Under 37 C.F.R. §1.47(A) To file on Behalf of Inventor who Refuses to Execute Application - 2 pages
7. Prosecution by Assignee and Power of Attorney Under 37 C.F.R. § 3.71 - 3 pages
8. Paper copy of Sequence Listing - 5 pages
9. Computer readable form (CRF) copy of the "Sequence Listing"
10. Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825 - 2 pages
11. Declaration for Utility Patent Application (signed in counterpart) - 4 pages
12. Certificate Under 37 C.F.R. § 3.73(b) and copy of Joint Assignment (signed in counterpart) -5 pages
13. Declaration of Facts in Support of Filing on Behalf of Named Inventors - 29 pages + 6 exhibits

MAILING DATE: February 25, 2002

ATTY/Secy: CMP3/kaf3



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## PATENT APPLICATION INFORMATION RETRIEVAL



PATENT  
APPLICATION  
INFORMATION  
RETRIEVAL

Search results for application number: 09/847,936

PAIR	Application Filing Date:	05-03-2001	Class / Sub-Class:	514/-
Issue Date of Patent:	-		Location:	OPIE - MISSING PARTS-CENTRAL FILES, CP6 LOBBY
Examiner Name:	-		Status:	Application Undergoing Preexam Processing
Group Art Unit:	1646	Attorney Docket Number:	2200002057125	
Earliest Publication No:	-	Patent Number:	-	
Earliest Publication Date:	-	Customer Number:	70000	
Confirmation Number:	6165			

E-Business Center Patients	Employee Locator	Class/Subclass GAO Information	Information Contacts

Foreign Priority	Continuity Data	Publication Review

File Contents History

Number	Date	Contents Description
15	07-22-2002	SEQUENCE ERRORS
14	03-20-2002	A payment by the applicant to cover the cost of basic filing, claims, issue fees, etc.



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SEP 23 2002  
UNITED STATES PATENT & TRADEMARK OFFICE

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WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/847,936	05/03/2001	H. Kirk Hammond	220002057125

**CONFIRMATION NO. 6165**

25226  
MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO, CA 94304-1018

**FORMALITIES LETTER**



\*OC00000008489084\*

Date Mailed: 07/22/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c). Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Additional claim fees of **\$9432** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

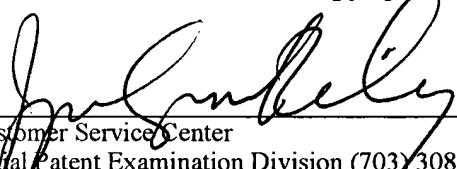
**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$9432** for a Large Entity

- Total additional claim fee(s) for this application is **\$9432**
  - **\$9162** for **645** total claims over 20.
  - **\$270** for multiple dependent claim surcharge.

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE